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Redwood City, CA 94063

Examiner Andre Boyce
U.S. P.T. O. // Commissioner for Patents
Art Unit 3623

June 29th, 2004

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JUN 30 2004

Re: Application No. 09/476,711
Inventor: David O. McGoveran
Request for Clarification of Non-Final Office Action

OFFICIAL

Dear Examiner Boyce:

After considerable, unavailing effort I must ask for a clarification of a particular portion of your response, to wit the Claim Rejections under 35 USC §103 citing Davis et al. (The Information System Consultant's Handbook, December, 1988) (herein 'Davis').

Your response specifically acknowledged that Davis neither disclosed at least one element of this application nor doing the steps in a declarative method suitable for reduction to a form of formal logic. Yet your response did not with any specificity (either by citation of any language within Davis, or explanation of the connections you made between the application and the cited-to figures) state how Davis suggested the applicant's invention.

Please specifically identify the language (by page and line) of Davis and the proposed modification thereof which reaches the applicant's invention, on which your rejection is based. As the language used in the applicant's invention and claims is not that used in Davis, please specify both the correspondence between applicant's and Davis' terms upon which you are relying, and the enabling reference or authority for that correspondence.

A word-by-word search of page 13/11 in McDermid found no correspondence to your phrase "upward transfer of tasks among superior and subordinate actors". As the language used in the applicant's invention and claims is neither that used by you nor in McDermid, please, please specify for McDermid the same information (your correspondence of terms and the enabling reference or authority for such correspondence).

For your citation to Figure 7.2 in Davis, please specify your interpretation of this figure and the modification (and the grounds for both), on which your rejection is based. 37 CFR §1.104(c)(2): "When a reference is complex...the particular part must be designated as nearly as is practicable. The pertinence of each reference, if not apparent, must be clearly explained...."; MPEP §706.02(j), "it is important the written record clearly explain the rationale for decisions made during prosecution of the application"; Ex parte Humphreys (1992) 24 USPQ2d 1255, 1262.

Also, since Davis and McDermid use different terms and terms differently your combination of them was not clearly understood; could you please clarify that?

Best Available Copy

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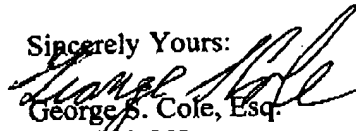
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I also respectfully, earnestly ask a written, specific, record of the grounds and reasoning for your assertion of obviousness, particularly the detailed explanation of why one of ordinary skill in the art at the time the invention was made would have been motivated to make those same specified modifications. (MPEP §2142 "Facts established by rebuttal evidence must be evaluated along with the facts on which the conclusion of obviousness was reached, not against the conclusion itself.")

In the event, and to any extent, that you are using personal knowledge, especially to establish the level of ordinary skill, please provide an affidavit for the record (37 CFR §1.107(b)).

Please let me know within ten days whether you will comply with this request for specificity and, if the answer is yes, could you further indicate a most likely date for your response.

Sincerely Yours:


George S. Cole, Esq.
PTO #40,563